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KINGSTON ONTARIO CANADA

A
HISTORY
OF
THE PENAL LAWS
AGAINST THE
IRISH CATHOLICS;
FROM THE TREATY OF LIMERICK TO THE UNION.
WITH AN INDEX.

BY SIR HENRY PARNELL, BART. M. P.

[Continued from No. XXXIX.]

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A
HISTORY
OF THE
PENAL LAWS,
&c.

THOUGH the treaty of Limerick was now violated in every point, the spirit of persecution was still restless and unsatisfied. However great was the ingenuity of the legislators who produced that master-piece of oppression, the act to prevent the farther growth of Popery, it was found that another act was still wanting to explain and amend it. Such an act passed in the year 1709.¹

The 1st clause provides, that no Papists shall be capable of taking any annuity for life.

The following is the 3d clause, every word of which is of value, in order to show the vexations with which the unfortunate Catholics of Ireland have been exposed: "And, be it further enacted, by the authority aforesaid, that where and as often as any child or children of any Popish parent or parents hath, or have heretofore professed or conformed him, her, or themselves, to the Protestant religion, as by law established, and enrolled in the High Court of Chancery, a certificate of the Bishop of the diocese in which he, she, or they shall inhabit or reside, testifying his, her, or their being a Protestant, and conforming him, her, or themselves, to the church of Ireland, as by law established, *it shall and may be lawful for the High Court of Chancery, upon a bill founded upon this act, to oblige the said Papist parent, or parents, to discover upon oath the full value of all his, her, or their estate, as well personal as real, clear, over and above all real incumbrances and debts con-*

¹ 8th Anne, c. 3.

tracted, *bonâ fide*, for valuable consideration, before the enrolment of such certificate, and thereupon to make such *order for the support and maintenance* of such Protestant child or children, by the distribution of the said real and personal estate, to and among such Protestant child or children, for the present support of such Protestant child or children; and also to and for the portion or portions, and future maintenance or maintenances, of such Protestant child, or children, after the decease of such Popish parent or parents, as the said court shall judge fit."

The 12th clause provides, that all converts in public employments, members of parliament, barristers, attorneys, or officers of any courts of law, shall educate their children Protestants.

By the 14th clause, the Popish wife of a Papist, having power to make a jointure, conforming, shall, if she survives her husband, have such provision, not exceeding the power of her husband, to make a jointure, as the Chancellor shall adjudge.

By the 15th clause, the Popish wife of a Papist, not being otherwise provided for, conforming, shall have a proportion out of his chattels, notwithstanding any will or voluntary disposition, and the stat. 7th W. III. 6.

The 16th clause provides, that a Papist teaching school publicly, or in a private house, or as usher to a Protestant, shall be deemed and prosecuted as a Popish regular convict.

The 18th clause provides, that Popish priests, who shall be converted, shall receive 30*l.* per annum, to be levied and paid by Grand Juries.

The 20th clause provides, whimsically enough, for the reward of discovering Popish clergy and schoolmasters, viz.

For discovering an archbishop, bishop, vicar-general,
or other person exercising any foreign ecclesiastical jurisdiction - - - - - £50 0 0

For discovering each regular clergyman, and each secular clergyman, not registered - - - - - £20 0 0

For discovering each Popish schoolmaster or usher - £10 0 0

The 21st clause empowers two Justices to summon any Papist of 18 years of age, and if he shall refuse to give testimony where and when he heard mass celebrated, and who and what persons were present at the celebration of it, and likewise touching the residence and abode of any priest or Popish schoolmaster to commit him to jail, without bail, for 12 months, or until he shall pay 20*l.*

By the 25th clause, no priest can officiate except in the parish for which he is registered, by 2d Anne, c. 7.

The 30th clause provides for the discovery of all trusts agreed to be undertaken in favor of Papists; and enables any Protestant

to file a bill in Chancery against any person concerned in any sale, lease, mortgage, or incumbrance, in trust for Papists, and to compel him to discover the same; and it further provides, that all issues to be tried in any action founded upon this act, shall be tried by none but known Protestants.

The 37th clause provides, that no Papist in trade, except in the linen trade, shall take more than two apprentices.

The following are the other acts passed in this reign concerning the Catholics.—

An act to prevent Popish clergy from coming into the kingdom.¹

An act for registering Popish clergy. By which all the Catholic clergy then in the kingdom were required to give in their names and places of abode at the next quarter sessions: by this act they are prohibited from employing curates.²

An act to amend this act.³

An act to explain and amend an act to prevent Papists being solicitors or sheriffs, &c.⁴

Clauses are introduced into this act, by which Catholics are prevented from serving on Grand Juries; and by which, in trials upon any statute for strengthening the Protestant interest, the plaintiff might challenge a Papist, which challenge the judge was to allow.

During all Queen Anne's reign, the inferior civil officers, by order of Government, were incessantly harassing the Catholics, with oaths, imprisonments, and forfeitures, without any visible cause but hatred of their religious profession. In the year 1708, on the bare rumor of an intended invasion of Scotland by the Pretender, forty-one Roman Catholic noblemen and gentlemen were imprisoned in the castle of Dublin; and, when they were afterwards set at liberty, the Government was so sensible of the wrong done to them, that it remitted their fees, amounting to 800*l*. A custom that had existed from time immemorial, for infirm men, women, and children, to make a pilgrimage every summer to a place called St. John's well, in the county of Meath, in hopes of obtaining relief from their several disorders, by performing at it certain acts of penance and devotion, was deemed an object worthy of the serious consideration of the House of Commons; who accordingly passed a vote, that these sickly devotees "were assembled in that place to the great hazard and danger of the public peace, and safety of the kingdom." They also passed a vote, on the 17th March, 1705, "That all magistrates and other persons whatsoever, who

¹ 2d Anne, c. 3.

² 2d Anne, c. 7.

³ 4th Anne, c. 2.

⁴ 6th Anne, c. 1. See also 6 Anne, c. 16. §. 6. and 8 Anne, c. 3. §. 26. concerning Priests marrying Protestants.

neglected or omitted to put them (the penal laws) in due execution, were betrayers of the liberties of the kingdom ;”¹ and in June, 1705, they resolved, “That the saying and hearing of mass, by persons who had not taken the oath of abjuration, tended to advance the interest of the Pretender ; and that such judges and magistrates as wilfully neglected to make diligent inquiry into, and to discover such wicked practices, ought to be looked upon as enemies to her Majesty’s Government.”² And, upon another occasion, they resolved, “That the prosecuting and informing against Papists was an honorable service to the Government.”³

GEORGE I.

The following acts of Parliament were passed in this reign, for the purpose of strengthening the system which had been adopted by William and Anne, for preventing the growth of Popery.

An act to make the militia of this kingdom more useful.⁴

By the 11th and 12th clauses of this act, the horses of Papists may be seized for the militia.

By the 4th and 18th clauses, Papists are to pay double towards raising the militia.

By the 16th clause, Popish house-keepers in a city, are to find fit Protestant substitutes.

An act to restrain Papists from being high or petty constables, and for the better regulating the parish watches.⁵

An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing members to serve in Parliament, &c.⁶

By the 7th clause of this act, no Papist can vote at an election, unless he takes the oaths of allegiance and *abjuration*.

An act for the better regulating the town of Galway, and for strengthening the Protestant interest therein.⁷

An act for the better regulating the corporation of the city of Kilkenny, and strengthening the Protestant interest therein.⁸

An act by which Papists resident in towns, who shall not provide a Protestant watchman to watch in their room, shall be subject to certain penalties.⁹

By the 12th Geo. I. c. 9. §. 7. No Papist can vote at any vestry held for the purpose of levying or assessing money for rebuilding and repairing parish churches.

¹ Com. Jour. 3. 289.

² Ib. 319.

³ Ib. 319.

⁴ 2d G. I. c. 9.

⁵ 2d G. I. c. 10.—This act expired in three years, and was not renewed.

⁶ 2d Geo. I. c. 19.

⁷ 4th Geo. I. c. 15.

⁸ 4th Geo. I. c. 16.

⁹ 6th Geo. I. c. 10.

These acts of Parliament originated in the same spirit of persecution, which disgraced the reigns of William and Anne, and were, like the penal laws against the Catholics of those reigns, palpable violations of the treaty of Limerick. Though a glimmering of toleration had found its way into the councils of England, and given rise to "*an act for exempting Protestant dissenters of this Country (Ireland) from certain penalties to which they were subject,*" the Catholics were excluded, by a particular clause, from any benefit of it. And though it was in this reign that the first act¹ passed "*for discharging all persons in offices and employments from all penalties which they had incurred by not qualifying themselves, pursuant to an act to prevent the further growth of Popery,*" the favor conferred by it was wholly to the Protestant dissenters, as no Catholic had been placed in any public office since the passing of that penal law.

The loyalty of the Catholics was in this reign put to a complete trial, by the Scotch rebellion of 1715. If, after having fought three campaigns in support of James's pretensions to the throne of Ireland; after having experienced the infraction of every part of the treaty of Limerick, and been exposed to a code of statutes, by which they were totally excluded from the privileges of the constitution; and if, after they had become subject "*to the worst of all oppressions, the persecution of private society and private manners,*"² they had embarked in the cause of the invader, their conduct would have been that of a high spirited nation, goaded into a state of desperation by their relentless tormentors, and if their resistance had been successful, their leaders would have ranked among the Tells and Washingtons of modern history.—But so far from yielding to the natural dictates of revenge, or attempting to take advantage of what was passing in Scotland to regain their rights, they did not follow the example of their rulers, in violating, upon the first favorable opportunity, a sacred and solemn compact; and thus they gave the strongest testimony, that they had wholly given up their former hopes of establishing a Catholic prince upon the throne. Their loyalty was not, however, a protection to them against the oppressions of their Protestant countrymen. The penalties for the exercise of their religion, were generally and rigidly inflicted. Their chapels were shut up, their priests dragged from their hiding-places, hurried into prisons, and from thence sent into banishment.

¹ 6th Geo. I. c. 9.

² Burke's Letter to a Peer of Ireland.

GEORGE II.

In this reign, the following additional disabilities were imposed upon the Catholics. —

By the 1st G. II. c. 9. sect. 7. no Papist can vote at an election without taking the oath of supremacy. However great the oppression which the Catholics had experienced during former reigns, this measure altogether completed their entire exclusion from the benefits of the Constitution, and from the opportunity of regaining their former just rights. It was because this privilege had begun to operate amongst Protestants in a manner very favorable to the Catholics, and to bring about a feeling of regret for their sufferings, and a coalition between the two parties to oppose the influence of the English Government as a common cause of grievances, that Primate Boulter advised the Ministers to pass this law. His principle of government for Ireland, was to uphold the English interest by the divisions of the inhabitants; and, on this occasion, it induced him to adopt the desperate resolution of disfranchising, at one stroke, above five-sixths of its population.¹

By the first clause of 1st Geo. II. c. 30. barristers, six clerks, &c. are required to take the oath of supremacy.

By the second clause all converts, &c. are bound to educate their children as Protestants.

By 7th Geo. II. c. 5. sect. 12. barristers or solicitors, marrying Papists, are deemed Papists, and made subject to all penalties as such.

By 7th Geo. II. c. 6. no convert can act as a justice of the peace, whose wife, or children, under 16 years of age, are educated Papists.

The 13th Geo. II. c. 6. is an act to amend former acts for disarming Papists.

By the 6th clause of this act, Protestants educating their children as Papists, are made subject to the same disabilities as Papists are.

By 9th Geo. II. c. 3. no person can serve on a petty jury, unless seized of a freehold of 5*l.* per annum, or, being a Protestant, unless possessed of a profit rent of 15*l.* per annum under a lease for years.

By 9th Geo. II. c. 6. sect. 5. persons robbed by privateers, during war with a Popish prince, shall be reimbursed by grand jury pre-

¹ Primate Boulter, in his Letter of this year to the Archbishop of Canterbury (1st. vol. p. 210.) says, "There are, probably, in this kingdom, five Papists, at least, to one Protestant."

sentment, and the money be levied upon the goods and lands of Popish inhabitants only.

The 19th Geo. II. c. 5. is an act for granting a duty on hawkers and pedlars to the society of Protestant charter-schools.¹

The 19th Geo. II. c. 13. is an act to annul all marriages between Protestants and Papists, or celebrated by Popish priests.²

By the 23rd Geo. II. c. 10. sect. 3. every Popish priest who shall celebrate any marriage contrary to 12th Geo. I. c. 3. and be thereof convicted, shall be hanged.

Of these last acts, and of Lord Chesterfield's administration, Mr. Burke gives the following account—"This man, while he was duping the credulity of the Papists with fine words in private, and commending their good behaviour during a rebellion in Great Britain, as it well deserved to be commended and rewarded, was capable of urging penal laws against them in a speech from the throne,"³

¹ The following is the preamble of the charter for erecting these schools. "George II. by the grace of God, &c. Forasmuch as we have received information, by the petition of the lord primate, lord chancellor, archbishops, noblemen, bishops, judges, gentry, and clergy, of our kingdom of Ireland, that in many parts of the said kingdom, there are great tracts of land almost entirely inhabited by Papists, who are kept by their clergy in great ignorance of the true religion, and bred up in great dissatisfaction to the Government. That the erecting of English Protestant schools in those places, is absolutely necessary for their conversion; that the English parish schools already established, are not sufficient for that purpose; nor can the residence of the parochial clergy only fully answer that end."—Catholics are excluded by this charter from being subscribers to, or members of this society. *Vid. Report of Committee of Irish H. of Commons, 14 Ap. 1788. Ir. Comm. Journ. 12 Ap. 810.*

The children admitted into the schools are orphans, or the children of Catholic and other poor natives of Ireland, who, from their situation in life, are not likely to educate them as Protestants. They are apprenticed at the age of fourteen years, with a fee of seven guineas with each female, and of five guineas with each male, into Protestant families. The society give a portion of five pounds to every person educated in these schools, upon his or her marrying a Protestant.

In Sept. 1806, the number of children in the schools were 2130.

The funds of the society consist in lands, funded property, and an annual grant of Parliament.—They amount to about 34,000*l.* per annum. From the year 1754, 31 Geo. II. c. 1. to the 1st January, 1808, there has been granted by Parliament to this society 491,326*l.* besides certain duties on hawkers and pedlars, from 1754 to 1786.

By the 23rd G. II. c. 11. the society may appoint persons to take up beggar children, and send them to the charter schools, and when old enough bind them apprentices.

By the same act, §. 8. a child received with the parent's consent, is deemed a child of the public, and may be disposed of though claimed by the parent.

² The first act on this head is 6 Anne, c. 16. 1, &c. 8 Anne, c. 3. Sect. 26.

³ "The measures that have hitherto been taken to prevent the growth of Popery, have, I hope, had some, and will still have a greater effect; however I leave it to your consideration whether nothing further can be done, either by new laws, or by more effectual execution of those in being, to secure the nation

and of stimulating with provocatives the wearied and half exhausted bigotry of the Parliament of Ireland. They set to work, but they were at a loss what to do; for they had already almost gone through every contrivance which could waste the vigor of their country: but, after much struggle, they produced a child of their old age, the shocking and unnatural act about marriages, which tended to finish the scheme for making the people not only two distinct parties for ever, but keeping them as two distinct species in the same land. Mr. Gardiner's humanity was shocked at it, as one of the worst parts of that truly barbarous system, if one could well settle the preference, where almost all the parts were outrages on the rights of humanity and the laws of nations."¹

Of the conduct of the Catholics during the Scotch rebellion of 1745, fortunately for them, but greatly to the shame of those who accuse them of being actuated by religious principles inconsistent with their duty to their sovereign, there is on record an irrefutable document. In the year 1762, upon a debate in the House of Lords, about the expediency of raising five regiments of Catholics for the King of Portugal, the Primate, Dr. Stone, in answer to the usual objections that were urged on all occasions against the good faith and loyalty of that body, declared in his place, "that in the year 1747, after that rebellion was entirely suppressed, happening to be in England, he had an opportunity of perusing all the papers of the rebels, and their correspondents, which were seized in the custody of Murray, the Pretender's secretary; and that, after having spent much time, and taken great pains in examining them, not without some share of the then common suspicion, that there might be some private understanding and intercourse between them and the Irish Catholics, he could not discover the least trace, hint, or intimation of such intercourse or correspondence in them, or of any of the latter's favoring or abetting, or having been so much as made acquainted with the designs or proceedings of these rebels. And what," he said, "he wondered at most of all was, that in all his researches, he had not met with any passage in any of these papers, from which he could infer, that either their holy father, the pope, or any of his cardinals, bishops, or other dignitaries of that church, or any of the Irish clergy, had either directly, or indirectly, encouraged, aided, or approved of the commencing or carrying on of that rebellion."²

against the greater number of Papists, whose speculative errors would only deserve pity if their pernicious influence upon civil society did not both require and authorise restraint."—*Speech to both Houses of Parliament, October 8, 1745.*—Com. Jour. 7. 642.

¹ Letter to a Peer in Ireland.

² Curry, Rev. of the civil wars of Ireland, 2. 261.

Those of the clergy of England, who lately took so active a part in exciting and upholding the infamous outcry of "No Popery"—will do well to compare this declaration of Primate Stone, with the following statement of the conduct of the Irish clergy, immediately upon the breaking out of the Scotch rebellion. They will learn how easily it is, even for the grave profession of the church to commit errors, and to pollute its sacred character, by embarking in the controversy of party politics. "The bishops wrote pastoral letters to their respective diocesans, to excite the members of the established church to enforce all the penal statutes, and with equal wisdom and charity, and a ready obedience did the clergy follow the example and directions of their superiors, and apply the whole power of their body to support the fanatic politics of the day. In their inflammatory sermons they excited religious animosity by reviving the most shocking circumstances of the Irish rebellion of 1641, and of the gun-powder plot in England in 1605. These transactions were studiously aggravated, and the crimes, whether real or supposed, committed by Catholics, dead more than a century before, were imputed to all those who survived of the same religious persuasion."¹

If the conduct of the bishops and clergy was improper, on account of its inconsistency with those principles of universal charity, that the gospel inculcated, it was still more so, from there being no grounds even of suspicion, that the Catholics were disloyal. Besides, it was indecent in the last degree for those, who were endowed by the state for the purpose only of discharging the functions of a religious profession, to degrade their sacred character by assuming the duties of the civil magistrates, and embarking in all the tumult and passion of political persecution. The conduct of the Catholic priests at this period forms a contrast, by no means creditable to those who teach the superior tolerance of the Protestant religion, and ground their animosities against the Catholics on the supposed illiberality which controls their principles. This oppressed and indigent body of men, instead of taking offence at the proceedings of the bishops and clergy of the established church, "co-operated with their Protestant brethren, to maintain order and tranquillity. Their pastoral letters, public discourses from the pulpit, and private admonitions, were equally directed for the service of the Government."² Yet these clergy were the members of that church, the principles of which are stated to be of such a nature by many of the English clergy, as to render it absolutely impossible, that a Catholic can be a good subject.

¹ Curry Rev. 2. 259.

² Chesterfield's Works, 1. 150. Ir. Ed.

On the 26th September, 1757, the Duke of Bedford was sworn in Lord Lieutenant. His open declarations of liberal sentiments towards the Catholics, and some communications that were made for the first time since the passing of the ferocious act of Anne to prevent the growth of Popery, of an intention to repeal some part of the penal laws, encouraged them to hope for a change in the system of Irish government. Ten days after his arrival, the Catholic clergy of Dublin, influenced by these communications, read the following exhortation to their respective congregations. It forms the first and a very important document in proof of the sufferings, the resignation, and the loyalty of the Catholic body. It is one peculiarly deserving of attention, as being well calculated to remove the ignorance and prejudices of those who still persist in calumniating the Catholic clergy of Ireland, and representing them as enemies to the King and Constitution.

Exhortation of the Roman Catholic Clergy of Dublin, read from their Altars on the 2d of October, 1757.

It is now time, Christians, that you return your most grateful thanks to the Almighty God, who, after visiting you with a scarcity, which approached near unto a famine, has been graciously pleased, like a merciful father, to hear your prayers, and feed you with a plentiful harvest; nor ought you to forget those kind benefactors, who, in the severest times, mindful only of the public good, generously bestowed, without any distinction of persons, those large charities, by which thousands were preserved, who otherwise must have perished the victims of hunger and poverty. We ought especially to be most earnest in our thanks to the chief governors and magistrates of the kingdom, and of this city in particular, who, on this occasion, proved the fathers and saviours of the nation. But as we have not a more effectual method of showing our acknowledgment to our temporal governors, than by an humble, peaceful, and obedient behaviour; as hitherto, we earnestly exhort you to continue in the same happy and Christian disposition, and thus, by degrees, you will entirely efface in their minds those evil impressions, which have been conceived so much to our prejudice, and industriously propagated by our enemies. A series of more than sixty years spent, with a pious resignation, under the hardships of very severe penal laws, and with the greatest thankfulness for the lenity and moderation, with which they were executed, ever since the accession of the present royal family, is certainly a fact which must outweigh, in the minds of all unbiassed persons, any mis-conceived opinions of the doctrines and tenets of our holy church.

You know that it has always been our constant practice, as mi-

ministers of Jesus Christ, to inspire you with the greatest horror for thefts, frauds, murders, and the like abominable crimes ; as being contrary to the laws of God and nature, destructive of civil society, condemned by our most holy church, which, so far from justifying them on the score of religion, or any other pretext whatsoever, delivers the unrepenting authors of such criminal practices over to Satan.

We are no less zealous than ever in exhorting you to abstain from cursing, swearing, and blaspheming ; detestable vices, to which the poorer sort of our people are most unhappily addicted, and which must, at one time or other, bring down the vengeance of heaven upon you in some visible punishment, unless you absolutely refrain from them.

It is probable, that from hence some people have taken occasion to brand us with this infamous calumny, that we need not fear to take false oaths, and consequently to perjure ourselves ; as if we believed that any power upon earth could authorise such damnable practices, or grant dispensations for this purpose. How unjust and cruel this charge is, you know by our instructions to you both in public and private, in which we have ever condemned such doctrines as false and impious. Others, likewise, may easily know it from the constant behaviour of numbers of Roman Catholics, who have given the strongest proofs of their abhorrence of those tenets, by refusing to take oaths, which, however conducive to their temporal interest, appeared to them entirely repugnant to the principles of their religion.

We must now intreat you, dear Christians, to offer up your most fervent prayers to the Almighty God, who holds in his hands the hearts of kings and princes, beseech him to direct the counsels of our rulers, to inspire them with sentiments of moderation and compassion towards us. We ought to be more earnest at this juncture, in our supplications to heaven ; *as some very honorable personages have encouraged us to hope for a mitigation of the penal laws.* Pray then the Almighty to give a blessing to these their generous designs, and to aid their counsels, in such a manner, that, whilst they intend to assist us, like kind benefactors, they may not, contrary to their intentions, by mistaking the means, most irretrievably destroy us.

To conclude, be just in your dealings, sober in your conduct, religious in your practice, avoid riots, quarrels, and tumults ; and thus you will approve yourselves good citizens, peaceable subjects, and pious Christians.

Instead, however, of a repeal taking place of any of the penal laws, rumors began very generally to prevail, of its being the in-

tention of Government to proceed to carry into effect a bill, that had been prepared by the former administration, for altering the law respecting the registry of the clergy. The existing law, which passed in the reign of Queen Anne, had been found too penal to admit of its being carried into execution; and thus, by an excess of tyranny, was the object of it wholly defeated. In the place of this law, it had been proposed to pass one with such provisions, that it should, like the other penal laws, execute itself; and upon this project being now revived, the Catholics, for the first time since 1704, took measures as a body, to vindicate their religious and civil principles. Mr. Charles O'Connor, the celebrated Irish scholar and antiquarian, with the assistance of Dr. Curry, the author of the *Review of the Civil Wars of Ireland*, and Mr. Wyse, of Waterford, exerted themselves with good effect in persuading their suffering countrymen of the necessity of coming forward to induce their rulers to admit them into a participation of the privileges of the Constitution. As a ground-work of their future labor, Dr. O'Keefe, the titular Bishop of Kildare, proposed, at a meeting held at Lord Trimbleston's, a declaration of the principles of their church, as far as they could bear upon their civil duties, to be signed by the chiefs of their body, and published as an answer to the misrepresentations and calumnies they had labored under since the reformation of the national religion: this declaration was unanimously adopted; it was signed by many clergymen and gentlemen of rank and property, and sent to Rome, as the act and deed of the Irish Catholics. It is as follows:

Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics, the existence of which we utterly deny; and whereas it is at this time peculiarly necessary to remove such imputations, and to give the most full and ample satisfaction to our Protestant brethren, that we hold no principle whatsoever, incompatible with our duty as men or as subjects, or repugnant to liberty, whether political, civil, or religious.

Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinion of many respectable bodies of men, and individuals among our Protestant brethren, do hereby in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration:

1st. We abjure, disavow, and condemn the opinion, that princes, excommunicated by the pope and council, or by any ecclesiastical authority whatsoever, may therefore be deposed or murdered by their subjects, or any other persons. We hold such doctrine in detestation, as wicked and impious; and we declare that we do

not believe, that either the pope, with or without a general council, or *any prelate or priest, or any ecclesiastical power whatsoever*, can absolve the subjects of this kingdom, or any of them, from their allegiance to his Majesty King George the Third, who is by authority of Parliament, the lawful King of this realm.

2d. We abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or any ways injure any person whatsoever, for or under the pretence of being heretics; and we declare solemnly before God, that we believe that *no act, in itself unjust, immoral, or wicked, can ever be justified or excused by, or under pretence or color, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever.*

3d. We further declare, that we hold it as an unchristian and impious principle, that “no faith is to be kept with heretics.” This doctrine we detest and reprobate, not only as *contrary* to our religion, but as destructive of morality, of society, and even of common honesty; and it is our firm belief, that an oath made to *any* person, not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

4th. We have been charged with holding as an article of our belief, that the pope, with or without the authority of a general council, or that certain ecclesiastical powers can acquit and absolve us, before God, from our oath of allegiance, or even from the just oaths and contracts entered into between man and man.

Now we do utterly renounce, abjure, and deny, that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and above all, *repugnant to the true spirit of the Catholic religion.*

5th. We do further declare, that we do not believe that the pope of Rome, or any other prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.

6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points, respecting the pope: however, for greater satisfaction we declare, that it is *not* an article of the Catholic faith, neither are we thereby required to believe or profess, “that the pope is infallible,” or that we are bound to obey any order, in its own nature immoral, though the pope, or any ecclesiastical power, should issue or direct such order; but, *on the contrary*, we hold, that it would be *sinful* in us to pay any respect or obedience thereto.

7th. We further declare, that we do not believe that any sin whatsoever, committed by us, can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever;

but, that *sincere sorrow for past sins*, a firm and sincere resolution, as far as may be in our power, to restore our neighbour's property or character, if we have trespassed on, or unjustly injured either; *a firm and sincere resolution to avoid future guilt*, and to atone to God, are *previous and indispensable* requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament.

8th. We do hereby solemnly disclaim, and for ever renounce all interest in, and title to all forfeited lands, resulting from any rights, or supposed rights, of our ancestors, or any claim, title, or interest therein; nor do we admit any title, as a foundation of right, which is *not established and acknowledged by the laws of the realm, as they now stand*. We desire further, that whenever the patriotism, liberality, and justice of our countrymen, shall restore to us a participation in the elective franchise, no Catholic shall be permitted to vote at any election for members to serve in parliament, until he shall previously take an oath *to defend to the utmost of his power*, the arrangement of property in this country, *as established by the different acts of attainder and settlement*.

9th. It has been objected to us, that we wish to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: Now, we do hereby disclaim, disavow, and solemnly abjure any such intention; and further, if we shall be admitted into any share of the constitution, by our being restored to the right of elective franchise, we are ready, in the most solemn manner, to declare, that we will not exercise that privilege to disturb and weaken the establishment of the Protestant religion, or Protestant government in this country.

Though this declaration did not produce any change of conduct on the part of the English Government at that time, its failure can only be attributed to the obstinacy with which the principle of governing Ireland upon the system of separate interests between the Protestants and Catholics, was adhered to. That system is now happily exposed; and, though of late attempted to be revived by his Majesty's present Ministers, the intelligence and liberality of the present race of Irish Protestants has completely counteracted their designs. This declaration, though at first ineffectual, was re-published in 1792, and may surely be expected at last to open the eyes of mankind to the true character of the Irish Catholic, and to secure to them the reward which it deserves, the unlimited confidence of their King and fellow subjects, and the entire restoration of their constitutional rights.

In the year 1759, when it was known that a French force, under the command of Conflans, was collected to invade Ireland, the conduct of the Catholics on this, as it had uniformly been on similar occasions, was loyal in the extreme. Mr. O'Connor, Dr. Curry, and Mr. Wyse, had some time before, in 1757, succeeded in establishing a general committee of the Catholic body, formed by delegates of parishes, and the principal Catholic nobility and gentry. As soon as this invasion was announced to Parliament by a message from the Duke of Bedford, this committee was summoned to meet; and Mr. O'Connor having submitted to it the following address to the Lord Lieutenant, it was unanimously approved of.

May it please you Grace,

We, his Majesty's dutiful and faithful subjects, the Roman Catholic gentlemen, merchants, and citizens of Dublin, do, with the greatest respect, approach the illustrious representative of the best of Kings, with our hearty congratulations on those glorious successes, by sea and land, which have attended his Majesty's arms, in the prosecution of this just and necessary war.

We gratefully acknowledge the lenity extended to us by his most sacred Majesty, and by his royal father, of happy memory. Our allegiance, may it please your Grace, is confirmed by affection and gratitude; our religion commands it; and it shall be our invariable rule firmly and inviolably to adhere to it.

We are called to this duty, at the present time in particular, when a foreign enemy is meditating desperate attempts to interrupt the happiness and disturb the repose, which these kingdoms have so long enjoyed, under a Monarch, who places his chief glory in proving himself the common father of all his people: and we sincerely assure your Grace, that we are ready and willing, to the utmost of our abilities, to assist in supporting his Majesty's Government against all hostile attempts whatsoever.

Whenever, my Lord, it shall please the Almighty, that the legislative power of this realm shall deem the peaceable conduct of his Majesty's Catholic subjects of Ireland, for many years past, an object worthy of its favorable attention, we humbly hope means may then be devised, to render so numerous a body more useful members to the community, and more strengthening friends to the state, than they could possibly have hitherto been, under the restraint of the many penal laws against them. We most humbly beseech your Grace to represent to his Majesty these sentiments and resolutions of his Majesty's faithful subjects, the Roman Catholics of this metropolis, who sincerely wish, that a peace honorable to his Majesty, and advantageous to his kingdoms, may be the issue

of the present war ; and that the people of Ireland may be long governed by your Grace, a Viceroy, in whom wisdom, moderation, and justice, are so eminently conspicuous.

On that occasion, also, the wealthy individuals of this persuasion, offered to accommodate the Government with large sums of money, in case of necessity, to support the Protestant establishment against all its enemies ; and the Catholics of the city of Cork, in a body, presented an address to the Lord Lieutenant, expressing their loyalty in the warmest terms of assurance. They professed the warmest indignation at the threatened invasion of the kingdom, by an enemy vainly flattered with the imaginary hope of assistance in Ireland, from the former attachments of their deluded predecessors. They assured his Grace, that such schemes were altogether inconsistent with their principles and intentions ; and that they would, to the utmost exertion of their abilities, with their lives and fortunes, join in the defence and support of his Majesty's royal person and government, against all invaders whatsoever.¹

These circumstances are proofs of no ordinary fidelity in the Irish Catholics to the House of Brunswick. They were, however, of no avail in mitigating the rigor of the magistracy in the execution of the penal laws, or in inducing the British Government to repeal any part of them ; for the reign of George II. closed without any grateful acknowledgment being made to them for the steadiness, the moderation, and the loyalty, which they had displayed on so many trying occasions.

GEORGE III.

Though the first measure of this reign, the royal recommendation to Parliament to make the judges independent of the crown, bespoke the determination of his Majesty to respect the feelings and confirm the rights and liberties of his subjects ; still the unfortunate Catholics of Ireland were doomed to suffer under new pains and penalties.

In the year 1776, an act of Parliament was passed,² by which one or more justices of the peace, and all sheriffs and chief magistrates of cities and towns corporate, within their respective jurisdictions, may from time to time, as well by night as by day, search for and seize all arms and ammunition belonging to any Papist not entitled to keep the same, or in the hands of any person in trust,

¹ Smollett's History of England, 4, 69.

² 15th and 16th Geo. III. c. 21. § 15.

for a Papist ; and for that purpose enter any dwelling-house, out-house, office, field, or other place belonging to a Papist, or to any other person where such magistrate has reasonable cause to *suspect* any such arms or ammunition shall be concealed ; and *on suspicion*, after search, may summon and examine on oath, the person *suspected* of such concealment.

By the 17th clause of this act, Papists refusing to deliver up or declare such arms as they, or any with their privity, have, or hindering the delivery, or refusing to discover on oath, or without cause neglecting to appear on summons to be examined before a magistrate concerning the same, shall, on conviction, be punished by fine and imprisonment, or *such corporeal punishment of pillory or whipping*, as the Court shall in their discretion think proper.

In the year 1782, a clause was introduced into an act,¹ by which no person shall be admitted into the Society of the King's Inns as a student, who shall not, at the time of his admission, be a Protestant.

In the same year, an act² was passed, by the 3d clause of which, all statutes made in England or Great Britain, and all such clauses and provisions contained in any statute there made, as relate to the taking any oath or oaths, or making or subscribing any declaration in Ireland, or to any penalty or disability for omitting the same, shall be accepted, used, and executed in Ireland.

This act referred to : 1st, the English act of 3d William and Mary, c. 2. sect. 1, 4, 5, 6, 7, by which the oath of supremacy mentioned in 2 Eliz. 1. c. 1. is abrogated, and a new oath of supremacy is required to be taken by all persons admitted in Ireland to hold any civil or military office, and by members of both Houses of Parliament : 2dly, to the English act of 1st Anne, stat. 2. c. 17. requiring all persons to take the oath of abjuration, prescribed by the English acts of 13th Wm. III. c. 6. and 1st Anne, st. 1. c. 22d : 3dly, to the English act of 6th Geo. III. c. 53. § 2. declaring that from the 1st August, 1776, the oath of abjuration, by this act appointed to be taken in Great Britain, shall be the oath of abjuration, to be taken in Ireland.

Though this clause of the 21st and 22d of Geo. III. c. 48. has attracted very little public attention, it was of no less import than that of being the first legal exclusion of Catholics from sitting in the Irish Parliament. They had been excluded *de facto* by their voluntary submission to the English act of 3d William and Mary, but not *de jure* till this act of 21st and 22d Geo. III. which made

¹ 21st and 22d Geo. III. c. 32. § 2.

² 21st and 22d Geo. III. c. 48. § 3.

the act of 3d William and Mary just mentioned, binding in Ireland.¹

This circumstance, which has always been overlooked, even by the Catholics themselves, proves how readily they have been inclined at all times to submit to the authority of Government. And it also proves how unfounded those arguments are, which maintain that the exclusion of the Catholics of Ireland from Parliament, is a principle on which the family of his Majesty was placed upon the throne. It completely overturns the system of erroneous reasoning concerning the coronation oath, which of late has been so common; and, so far as the meaning of this oath is at issue, it reduces the question to this simple point, whether the king can conscientiously place the Catholics of Ireland in the same condition, with respect to sitting in Parliament, in which they had continued till the twenty-second year of his own reign.

In 1785 an act was passed² for granting 4000*l.* to be expended in apprentice fees, to such tradesmen or manufacturers, as should take children from charter-schools or the Foundling Hospital; but it was expressly provided that the children should be bound to none but Protestant tradesmen and manufacturers.

The whole code of the penal statutes against the Catholics of Ireland is now laid before the view of the reader, under which they so long and so patiently languished; statutes unexampled for their inhumanity, their unwarrantableness, and their impolicy, which were adopted to exterminate a race of men already crushed and broken by the longest series of calamities which one nation had ever the opportunity of inflicting upon another. They were framed against Christians under the pretence of securing religion; they were the work of Protestants, than whom no sect has cried out more loudly against persecution when Protestants were the martyrs. They were sanctioned by a nation who owed its liberties,

¹ The first Irish parliament summoned by William, having met on the 5th of October, 1692, immediately after the election of a speaker and his being seated, "a motion was made for the reading of a late act of parliament, made in England in the third year of their Majesties' reign, intituled 'An act for abrogating the oath of supremacy in Ireland and appointing other oaths,' upon reading whereof, the house immediately proceeded to the swearing of their members, and they being sworn the house adjourned." (*Irish Com. Jour.* 2. P. 9.)

It does not appear by the Journals that any objection was made to this motion or that any Catholic had been elected to serve in this parliament, notwithstanding this English act was not binding in Ireland. Nor is any mention made in the historians of that day, concerning the grounds upon which the Catholics submitted to it. The submissive forbearance of them under a most severe extension of the penal code, is the only point relating to them, which has arrested their notice. *Plowden*, 1. 198.

² 25th of George III. c. 48 § 11. and 12.

and by monarchs who owed their throne, to a solemn covenant that such penal disabilities should never exist.¹ Here may we not inquire, if the English nation, legislature, and king, *have not a duty to fulfil towards the Irish Catholics even greater than that of justice—a duty of compunction, of repentance, and atonement?* The faith of a solemn treaty made with them has been broken: it is not enough that it has been in part re-established, it ought to be religiously fulfilled. They have been ruled with tyranny: it is not enough that the tyranny should be relaxed, it should cease altogether. They have been driven from the pale of the Constitution: it is not enough that they should be allowed to pass its barriers, they should range free and uncontrolled through all its rights.

That this system of slow political torture, was not warranted by any alleged delinquency on their part is notorious, for it was devised and perfected in times of profound tranquillity. That they were not deserving even of the suspicion of being disloyal subjects, is proved by their signal forbearance, which has preserved the empire from the calamitous consequences of such flagitious misgovernment; and that, on the contrary, they fully merited the confidence and protection of the legislature, no fair and candid mind can deny, when it gives to their conduct, in strictly adhering to the stipulations of the treaty of Limerick, and to their allegiance to the house of Brunswick, the just value to which it is entitled.

Having now reached the utmost point to which the penal statutes extended, which seems to be as far as human invention, quickened by mixed feelings of alarm, of bigotry, and of pride, could go, we should not be excusable on general grounds, if we neglected to record its effects.

But there is even a nearer interest in this examination. At a period when the state of Ireland so much occupies the attention of the legislature and of the public; when it is admitted on all sides, that the prosperity and security of England herself must rise or fall with the prosperity and security of Ireland; and when the events of each succeeding day prove the absolute necessity of some measures to ameliorate her condition and show that things cannot go on, as they are, without the inevitable destruction of the British Empire; it will be of great importance to be able to form an accurate opinion upon the effects which were the result of the penal statutes.

It appears from unquestionable authority, that, during the interval that elapsed between the surrender of Limerick, and the total infraction of the treaty in 1704, by the act to prevent the further growth of Popery, the toleration which the Catholics ex-

¹ See the articles of Limerick, *supra*.

perienced by virtue of that treaty, produced its natural consequences. The security they enjoyed restored industry and plenty of all things: useful arts were introduced; the land cultivated; and a fine island, reduced to a desert by the late war, soon assumed a new face. In fact, Ireland was never happier than during this interval of religious toleration.¹ Of the effects of the penal laws in entirely reversing this order of things, Lord Taffe, in his valuable tract on Irish affairs, gives the following description.—“Those penalties and interdicts (by the laws of Anne) had their natural effects in the dispeopling greatly the three fine provinces, wherein the bulk of Catholics reside. They took their effect in putting a stop to the cultivation began in King William’s reign. No sooner were the Catholics excluded from durable and profitable tenures, than they commenced graziers, and laid aside agriculture: they ceased from draining and enclosing their farms, and building good houses, as occupations unsuited to the new part assigned them in our national economy. They fell to wasting the lands they were virtually forbid to cultivate, the business of pasturage being compatible with such a conduct and requiring also little industry and less labor in the management.”²

In the year 1723, the wretchedness of the people of Ireland was so great, that the Duke of Grafton, in a speech from the throne, recommended Parliament to take measures for relieving them. The distress, however, continued; and in a petition presented to the House of Commons, in the same year, by the woollen manufacturers, they say, “that the woollen manufacture of this kingdom, which is confined to our own consumption, has of late been so considerably lessened, that several thousand families have been forced to beg alms and charity of good christians; and that a collection had lately been made throughout the whole city to relieve them.”³

Primate Boulter, in a letter of the 25th of March, 1722, to the Duke of Newcastle, bears testimony to this wretched state of Ireland; he says, “Since I came here in the year 1725, there was almost a famine amongst the poor; last year the dearness of corn was such, that thousands of families quitted their habitations, to seek bread elsewhere, and many hundreds perished:”⁴ again on the 23rd of November, 1728, he says, in writing to the Duke, “I am sorry I am obliged to give your Grace so melancholy an account of the state of the kingdom, as I shall in this letter.”

But one of the most pernicious effects of these penal laws was

¹ Observations on the Affairs of Ireland, by Lord Taffe, p. 4.

² Ibid. p. 11.

³ Com. Jour. v. 3. p. 24.

⁴ Letters, p. 226.

the emigration of the principal Catholic families to the Continent. They carried with them what would otherwise have been the materials of the civilisation, tranquillity, and prosperity of their own country; they left the mass of the Catholic population without the influence of men of education and property, to direct and control their conduct; and in the place of serving their own native land, they filled with the highest credit to themselves the situation of statesmen and generals, in those nations which were hostile to the interest of Great Britain.

Of the visible effect¹ these laws had produced in their avowed objects of propagating the Protestant religion, and promoting the national prosperity, it is impossible to give a more able, or a more accurate description than the following by Mr Arthur Young, who was in Ireland at the period we now treat of: "While property lay exposed to the practices of power, the great body of the people, who had been stripped of their all, were more enraged than converted: they adhered to the persuasion of their forefathers, with the steadiest and most determined zeal; while the priests, actuated by the spirit of a thousand inducements, made proselytes among the common Protestants, in defiance of every danger. And the great glaring fact yet remains, and is even admitted by the warmest advocates for the laws of discovery, that the established religion has not gained upon the Catholic in point of numbers; on the contrary, that the latter has been rather on the increase. Public lists have been returned from the several dioceses which confirm this fact; and the intelligence I received on my journey spoke the same language.

"As it is the great body of the common people that forms the strength of a country, when willing subjects, and its weakness when ill-affected, this fact is a decision of the question: After seventy years undisturbed operation, the system adopted in Queen Anne's reign has failed in this great aim, and meets at this day with a more numerous and equally determined body of Catholics, than it had to oppose when first promulgated.—Has not the experience of every age and every nation, proved that the effect is invariable and universal? Let a religion be what it may, and under whatever circumstances, no system of persecution ever yet had any other effect, than to confirm its professors in their tenets, and spread their doctrines, instead of restraining them. The great plea of the Roman Catholic priests, and their merit with their congregations, are the dangers they hazard, and the persecutions they suffer for the sake of their faith; arguments that have, and ever will have weight, while human nature continues formed of its present materials.

¹ 1778.

“But if these exertions of a succession of ignorant legislatures have failed continually in propagating the religion of Government, much more have they failed in the great object of natural prosperity. The only considerable manufacture in Ireland, which carries in all parts the appearance of industry, is the linen, and it ought never to be forgotten that this is solely confined to the Protestant parts of the kingdom. The poor Catholics in the south of Ireland spin wool generally, but the purchaser of their labor, and the whole worsted trade, is in the hands of the Quakers of Clonmel, Carrick, and Bandon, &c. The fact is, the professors of that religion are under such discouragements, that they cannot engage in any trade which requires both industry and capital. If they succeed and make a fortune, what are they to do with it? They can neither buy land, nor take a mortgage, nor even fine down the rent of a lease. Where is there a people in the world to be found industrious under such circumstances?

“It is no superficial view I have taken of this matter in Ireland; and being at Dublin at the time a very trifling part of these laws was agitated in Parliament, I attended the debates, with my mind open to conviction, and an auditor for the mere purposes of information. I have conversed on the subject with most distinguished characters of the kingdom, and I cannot after all but declare that the scope, purport, and aim of the laws of discovery, as executed, are not against the Catholic religion, which increases under them, but against the industry and property of whosoever professes that religion. In vain has it been said, that consequence and power follow property, and that the attack is made in order to wound the doctrine through its property. If such was the intention, I reply, that seventy years experience prove the folly and futility of it. Those laws have crushed all the industry, and wrested most of the property from the Catholics; but the religion triumphs; it is thought to increase. Those who have handed about calculations to prove a decrease, admit on the face of them, that it will require 4000 YEARS to make converts of the whole, supposing the work to go on in future, as it has in the past time. But the whole pretence is an affront to common sense, for it implies, that you will lessen a religion, by persecuting it: all history and experience condemn such a proposition.

“The system pursued in Ireland has had no other tendency but that of driving out of the kingdom all the personal wealth of the Catholics, and prohibiting their industry within it. The face of the country, every object, in short, which presents itself to the eye of a traveller, tells him how effectually this has been done. I urge it not as an argument, the whole kingdom speaks it as a fact. We have seen that this conduct has not converted the people to

the religion of Government ; and instead of adding to the internal security, it has endangered it : if therefore it does not add to the national prosperity, for what purpose, but that of private tyranny, could it have been embraced and persisted in ? Mistaken ideas of private interest account for the actions of individuals ; but what could have influenced the British Government to permit a system which must inevitably prevent the island from even becoming of the importance which nature intended ?”¹

Of the state of the agriculture of Ireland at this period, a tolerable accurate idea may be formed from the words of the same author.—“I have reason to believe that five pounds sterling per English acre, expended all over Ireland, which amounts to 88,341, 136*l.* would not more than build, fence, plant, drain, and improve that country, to be upon a par in those respects with England.”² The prices also of the produce of land, afford proof of the general poverty of the kingdom. In 1778, butter sold for 5*½*d. per lb.—mutton, 2*¾*d.—beef, 2*½*d.—pork, 2*¼*d.—veal, 3*½*d.—a fat turkey for 10*¾*d.—a goose for 8*½*d.—and a chicken for 2*½*d.³

From these several authorities upon the state of Ireland in 1778, much information may be collected concerning the causes of many of those peculiar circumstances which, at this day, belong to that country. If it is asked, why the people of Ireland are so illiterate ? The answer that presents itself is, look to the penal laws, that deprived them, till a late period, of education. If it is asked, why they are poor ? The same answer must be given, look to the penal laws. If it is asked, why the lower orders eat vegetables only, and live in hovels ? Still the same answer, look to the penal laws. If it is asked why there is no class of yeomanry in Ireland like that in England ? The answer is because the penal laws prohibited industry, and prevented the small landholder from acquiring either property or consequence in the one country, as he might do in the other. If it is asked, why the people are discontented and dislike England ? This answer only can be given, because from England they received this penal code, under which they have endured, for above a century, every species of calamity, contrary to the positive stipulations of a sacred and solemn treaty.

It was in the year 1774, that the Irish legislature passed the first act towards conciliating the Catholics, “an act to enable his Majesty’s subjects of whatever persuasion, to testify their allegiance to him.”⁴ Which is as follows :

Whereas many of his Majesty’s subjects in this kingdom are desirous to testify their loyalty and allegiance to his Majesty,

¹ Young’s Tour, vol. 2. 135. Eng. Ed. ² Young’s Tour, App. ³ Ibid.

⁴ 13 and 14th Geo. III. c. 35.

and their abhorrence of certain doctrines imputed to them, and to remove jealousies which hereby have for a length of time subsisted between them, and others his Majesty's loyal subjects; but upon account of their religious tenets are, by the laws now in being, prevented from giving public assurances of such allegiance, and of their real principles, and good will, and affection towards their fellow subjects; *in order, therefore, to give such persons an opportunity of testifying their allegiance to his Majesty, and good will towards the present constitution of this kingdom, and to promote peace and industry amongst the inhabitants thereof, be it enacted* by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June, one thousand seven hundred and seventy-four, it shall and may be lawful for any person professing the Popish religion, to go before the Judges of his Majesty's Court of King's Bench, any Justice of Peace for the county in which he does or shall reside, or before any Magistrate of any city or town corporate, wherein he does or shall reside, and there take and subscribe the oath of allegiance and declaration, hereinafter mentioned; which oath and declaration such Judges of the King's Bench, Justices of the Peace and Magistrates, are hereby enabled and required to administer.

“I A. B. do take Almighty God, and his only son Jesus Christ my Redeemer, to witness, that I will be faithful and bear true allegiance to our most gracious Sovereign Lord King George the Third, and him will defend to the utmost of my power against all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his Majesty and his heirs, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his Majesty's Family, against any person or persons whatsoever; hereby *utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of Prince of Wales in the life-time of his father, and who, since his death, is said to have assumed the style and title of King of Great Britain and Ireland, by the name of Charles the Third, and to any other person claiming or pretending a right to the Crown of these realms; and I do swear, that I do reject and detest as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also that unchristian and impious principle, that no faith is to be kept with heretics; I further declare, that it is*

no article of my faith, and that I do renounce, reject, and abjure the opinion, *that Princes excommunicated by the Pope and Council*, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever ; and I do promise, that I will not hold, maintain, or abet, any such opinion, or any other opinion contrary to what is expressed in this declaration ; and I do declare that I do not believe that *the Pope of Rome*, or any other foreign Prince, Prelate, State, or Potentate, *hath or ought to have any temporal or civil jurisdiction*, power, superiority, or pre-eminence, directly, or indirectly, within this realm, and I do solemnly, in the presence of God, and of his only Son Jesus Christ my Redeemer, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever ; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons, or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void from the beginning.¹

“So help me God.”

And be it enacted by the authority aforesaid, that the officer of the Court of King’s Bench, Justices of the Peace, and Magistrates of the city and towns corporate, shall yearly, within twenty-one days after the first of December, return to the clerk of the Privy Council of this kingdom, or his deputy, a true and perfect list, under his or their hand, of every such Papist as shall, in the course of the preceding year, have taken and subscribed such oath, in which list the quality, condition, title, and place of abode of such Papist, shall be specified.

About the same time, fearing that their grievances were not known to his Majesty, the Catholics prepared a Petition ; which was presented to Lord Buckinghamshire by Lord Fingal, Mr. Preston, and Mr. Dermot, in order that it might be transmitted by him to the King.

To the King’s most Excellent Majesty, the humble Address and Petition of the Roman Catholics of Ireland.

Most Gracious Sovereign,

We your Majesty’s most dutiful subjects, the Roman Catholics of your kingdom of Ireland, with hearts full of loyalty, but overwhelmed with affliction, and depressed by our calamitous and ruined circumstances, beg leave to lay at your Majesty’s feet, some

small part of those numerous and insupportable grievances under which we have long groaned, not only without any act of disobedience, but even without murmur or complaint; in hopes that our inviolable submission and unaltered patience under those severe pressures, would fully confute the accusation of seditious principles, with which we have been unfortunately and unjustly charged.

We are deeply sensible of your Majesty's clemency, in moderating the rigorous execution of some of the laws against us: but we humbly beg leave to represent, that several, and those the most severe and distressing of those laws, *execute themselves with the most fatal certainty*, and that your Majesty's clemency cannot, in the smallest degree, interpose for their mitigation, otherwise your Roman Catholic subjects would most cheerfully acquiesce in that resource, and rest with an absolute and unbounded assurance on your Majesty's *princely generosity*, and your pious regard to the rights of private conscience.

We are, may it please your Majesty, a numerous and very industrious part of your Majesty's subjects, and yet by no industry, by no honest endeavours on our part, is it in our power to acquire or to hold, almost any secure or permanent property whatsoever; we are not only disqualified to purchase, but are disabled from occupying any land, even in farm, except on a tenure extremely scantied both in profit and in time; and if we should venture to expend any thing on the melioration of land thus held, by building, by inclosure, by draining, or by any other species of improvement, so very necessary in this country; so far would our services be from bettering our fortunes, that these are precisely the very circumstances, which, as the law now stands, must necessarily disqualify us from continuing those farms, for any time in our possession.

Whilst the endeavours of our industry are thus discouraged, (no less, we humbly apprehend, to the detriment of the national prosperity, and the diminution of your Majesty's revenue, than to our particular ruin) there are a set of men, who, instead of exercising any honest occupation in the commonwealth, make it their employment to pry into our miserable property, to drag us into the courts, and to compel us to confess on our oaths, and under the penalties of perjury, whether we have in any instance acquired a property, in the smallest degree exceeding what the rigor of the law has admitted; and in such cases the informers, without any other merit than that of their discovery, are invested (to the daily ruin of several innocent industrious families) not only with the surplus in which the law is exceeded, but in the whole body of the estate and interest so discovered, and it is our grief that this evil is likely to continue and increase, as informers have, in this country, almost worn off the infamy, which in all ages,

and in all other countries, has attended their character, and have grown into some repute by the frequency and success of their practices.

And this most gracious Sovereign, though extremely grievous, is far from being the only or most oppressive particular, in which our distress is connected with the breach of the rules of honor and morality. By the laws now in force in this kingdom, a son, however undutiful or profligate, shall, merely by the merit of conforming to the established religion, not only deprive the Roman Catholic father of that free and full possession of his estate, that power to mortgage or otherwise dispose of it, which the exigencies of his affairs may require; but shall himself have full liberty immediately to mortgage or otherwise alienate the reversion of that estate, from his family for ever; a regulation by which a father, contrary to the order of nature, is put under the power of his son, and through which an early dissoluteness is not only suffered, but encouraged, by giving a pernicious privilege, the frequent use of which has broken the hearts of many deserving parents, and entailed poverty and despair on some of the most ancient and opulent families in this kingdom.

Even when the parent has the good fortune to escape this calamity in his life-time, yet he has at his death, the melancholy and almost certain prospect of leaving neither peace nor fortune to his children; for by that law, which bestows the whole fortune on the first conformist, or, on non-conformity, disperses it among the children, incurable jealousies and animosities have arisen; a total extinction of principle and of natural benevolence has ensued; whilst we are obliged to consider our own offspring and the brothers of our own blood, as our most dangerous enemies; the blessing of Providence on our families, in a numerous issue, is converted into the most certain means of their ruin and depravation: we are, most gracious Sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our industry to acquire any secure establishment to our families.

In this deplorable situation, let it not be considered, we earnestly beseech your Majesty, as an instance of presumption or discontent, that we thus adventure to lay open to your Majesty's mercy, a very small part of our uncommon sufferings; what we have concealed under a respectful silence, would form a far longer, and full as melancholy a recital; we speak with reluctance, though we feel with anguish; we respect from the bottom of our hearts that legislation under which we suffer; but we humbly conceive it is impossible to procure redress without complaint, or to make a complaint, that by some construction may not appear to convey blame: and nothing we assure your Majesty, should have extorted

from us even these complaints, but the strong necessity we find ourselves under of employing every lawful, humble endeavour, lest the whole purpose of our lives and labors should prove only the means of confirming to ourselves, and entailing on our posterity, inevitable beggary, and the most abject servitude ; a servitude the more intolerable, as it is suffered amidst that liberty, that peace, and that security, which, under your Majesty's benign influence, is spread all around us, and which we alone, of all your Majesty's subjects, are rendered incapable of partaking.

In all humility we implore, that our principles may not be estimated by the inflamed charge of controversial writers, nor our practices measured by the events of those troubled periods, when parties have run high (though these have been often misrepresented, and always cruelly exaggerated to our prejudice) ; but that we may be judged by our own actions, and in our own times ; and we humbly offer it to your most equitable and princely consideration, that we do not rest the proof of our sincerity on words, but on things ; on our dutiful, peaceable, submissive behaviour for more than fourscore years : and though it will be considered as too severe to form any opinion of great bodies, by the practice of individuals, *yet if in all that time, amongst all our people, in the daily increase of severe laws against us, one treasonable insurrection or one treasonable conspiracy can be proved ; if amongst our clergy, one seditious sermon can be shown to have been preached ;* we will readily admit that there is good reason for continuing the present laws in all their force against us ; but if, on the contrary, (we speak in full confidence,) it can be shown that our clergy have ever exerted their utmost endeavours to enforce submission to your Majesty's Government, and obedience to your laws ; if it can be shown that these endeavours have always been most strenuous in times of public danger, or when any accident tended to create a ferment amongst the people ; if our laity have frequently offered what we are always ready to fulfil) to hazard their lives and fortunes for your Majesty's service ; if we have willingly bound up the fruits of our discouraged industry with the fortune of your Majesty's Government in the public loans ; then, we humbly hope, we may be admitted to a small portion of mercy, and that that behaviour, which your Majesty's benignity and condescension will esteem a merit in our circumstances, may entitle us, not to reward, but to such toleration as may enable us to become useful citizens to our country, and subjects as profitable as we are loyal to your Majesty.

Permit us, most gracious Sovereign, on this occasion, to reiterate the assurances of our unshaken loyalty, which all our sufferings have not been able to abate ; of our sincere zeal for your Majesty's service, of our attachment to the constitution of our country, and

of our warmest gratitude for your Majesty's continual indulgence, and for the late instance of favor we have experienced from Parliament, in enabling us, consistent with our religious tenets, to give a legal proof of our sentiments upon these points. And we humbly hope, that the alacrity and eagerness with which we have seized this first, though long wished opportunity, of testifying, in the most solemn and public manner, our inviolable fidelity to your Majesty, our real principles, and our good-will and affection towards our fellow-subjects, will extinguish all jealousies, and remove those imputations, which alone have hitherto held us forth in the light of enemies to your Majesty, and to the State. And if any thing farther can be suggested or devised, whereby we can, by our actions, more fully evince our sincerity, we shall consider such an opportunity of demonstrating our real loyalty, as an high favor, and shall be deficient in no act whatever, which does not amount to a renunciation of that religious profession which we value more than our lives, and which it cannot be suspected we hold from obstinacy or a contempt of the laws, since it has not been taken up by ourselves, but has, from time immemorial, been handed down to us from our ancestors.

We derive no small consolation, most gracious Sovereign, from considering, that the most severe and rigorous of the laws against us had been enacted before the accession of your Majesty's most illustrious House to the Throne of these kingdoms: we therefore indulge the more sanguine hopes, that the mitigation of them, and the establishment of peace, industry, and universal happiness, amongst all your loyal subjects, may be one of the blessings of your Majesty's reign. *And though we might plead in favor of such relaxation, the express words of a solemn treaty, entered into with us, by your Majesty's royal predecessor, King William, (which has been forfeited by no disobedience on our part,)* yet we neither wish, nor desire, to receive any thing, but as a mere act of your Majesty's clemency, and of the indulgence and equity of your Parliament.

That this act of truly loyal beneficence and justice may be added to the other instances of your Majesty's august virtues, and that the deliverance of a faithful and distressed people may be one of those distinguishing acts of your reign, which shall transmit its memory to the love, gratitude, and veneration, of our latest posterity, is the humble prayer of, &c. &c.¹

In the year 1778,² an act passed "for the relief of his Majesty's subjects of this kingdom, professing the Popish religion." The

¹ This petition is from the pen of Mr. Burke.

² 17th and 18th of Geo. III. c. 49.

preamble of which contains a confirmation of every thing that has been already advanced, concerning the loyalty of the Catholics, and a declaration on the part of the King and Parliament, respecting the policy of admitting the Catholics into a full participation of the blessings of the Constitution, which is a complete recognition of their right to enjoy them. It states "And Whereas, from their uniform peaceable behaviour for a long series of years, it appears reasonable and expedient to relax the same, (the laws of Anne); and it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his Majesty's dominions, *that his subjects of all denominations, should enjoy the blessings of a free constitution and should be bound to each other by mutual interest and mutual affection, &c.*"

By this act Papists, provided they take the oath and declaration of 13th and 14th of Geo. III. c. 35. are admitted to the following privileges.—They may take land on leases not exceeding 999 years, or determinable upon any number of lives not exceeding five.

The lands of Papists are to be descendable, deviseable, and transferable, as fully as if the same were in the seizure of any other of his Majesty's subjects.

Papists are rendered capable to hold and enjoy all estates which may descend, be devised, or transferred to them.

No maintenance is to be hereafter granted to a conforming child of a Papist, out of the personal property of such Papist, except out of such leases as may be taken under this act.

And the conformity of the eldest son is not to alter hereafter the Popish parent's estate.

In the year 1782, another act passed "for the further relief of his Majesty's subjects of this kingdom, professing the Popish religion."¹

The preamble of this act states: "Whereas all such of his Majesty's subjects in this kingdom, of whatever persuasion, as have heretofore taken and subscribed, or shall hereafter take and subscribe, the oath of allegiance and declaration prescribed by an act passed in the 13th and 14th year of his present Majesty's reign, entitled an act to enable his Majesty's subjects, of whatever persuasion, to testify their allegiance to him, *ought to be considered as good and loyal subjects to his Majesty, his crown and government* : and whereas a continuance of several of the laws formerly enacted, and still in force in this kingdom, against persons professing the Popish religion, is therefore unnecessary, in respect to those who have taken, or shall take the said oath, and is injurious to the real wealth and prosperity of Ireland, therefore, &c."

¹ 21st and 22d Geo. III. c. 24.

By this act Catholics, provided they take this oath, may purchase or take lands, or any interest therein, except advowsons or boroughs returning members of Parliament, and dispose of the same by will or otherwise ; and Popish ecclesiastics, on the same condition, and registering their name and abode with the register of the diocese, are discharged from all penalties.

This act repeals so much of 8th Anne as subjects a Papist to fine and imprisonment, on his refusal to testify on oath before two Justices of the Peace, when and where he heard the Popish mass celebrated, and the names of the persons celebrating it ; and so much of 7th Wm. III. c. 5. as subjects any Papist, who shall have in his possession any horse of the value of 5*l.* or more, to the penalties therein mentioned ; and so much of 8th Anne, as enables the Lord Lieutenant to seize any horse belonging to a Papist, upon a prospect of invasion or rebellion. It also repeals so much of 9th Geo. II. c. 6. as enables grand juries to reimburse such persons as have been robbed by privateers in time of war, for their losses, and to levy the same on the goods of Papists only ; and so much of 6th Geo. I. c. 10. as subjects Papists, who shall not provide a Protestant watchman to watch in their turn, to certain penalties ; and so much of 2d Anne, c. 6, as subjects Papists, who took any house or came to dwell in Limerick, after the year 1703, or within the town of Galway, to certain penalties.

In the same year was likewise passed an act to allow persons professing the Popish religion, to teach school in this kingdom, and for regulating the education of Papists, and also to repeal parts of certain laws relative to the guardianship of their children.¹

The preamble states : “Whereas several of the laws made in this kingdom, relative to the education of Papists, or persons professing the Popish religion, are considered as too severe, and have not answered the desired effect.”

This act repeals so much of 7th Wm. III. c. 4. and 8th of Anne, c. 3. as subjects Catholics, who shall publicly teach school, or privately instruct youth, to the like penalties as any Popish regular convict, provided they take the oaths of 13th and 14th of George III. c. 35 ; and it enables Catholics, except ecclesiastics, to be guardians.

Of the numerous individuals, who at this time distinguished themselves for their exertions in favor of the Catholics, there was no one to whom they were under greater obligations than to the late Mr Burke. He wrote for them the Petition which was presented to the King in 1774. In the English House of Commons in

¹ 21st and 22d Geo. III. c. 62.

1778 he was the first to declare the necessity of concessions being made to them; he said that "Ireland was now the chief dependence of the British crown, and that it particularly behoved that country to admit the Irish nation to the privileges of British citizens"¹ and in the year 1782, he wrote his celebrated letter to Lord Kenmare, in which he so ably exposes the folly, injustice, and tyranny of the penal laws.

It certainly is a fact of no small importance in favor of the wisdom of unlimited concession to the Catholics, that this great statesman, the advocate for existing establishments, and who was the first and most formidable opponent to the progress of the jacobinical principles of France, should have advised it, and incessantly forwarded it by his powerful talents and extensive influence.

But the Catholics were indebted, not only to the labors of their friends, but also to the great revolution which was going on at this period in America, for the success of the first concessions that were made to them. This soon appeared very evident; an attempt was made by Mr. James Fitzgerald, a few months before the introduction of the act of 17. 18. Geo. III. to obtain for them a power to take leases of lands for 61 years, and this attempt failed. But soon afterwards, when the intelligence arrived of the defeat of the British forces in America, the same Parliament, on the recommendation of the Government, passed an act for enabling them to take land on leases for 999 years.

It was not, however, till the British Government were obliged to transport the whole of the British army from Ireland to America, and thus leave it exposed to the invasion of France, that the Catholics became of sufficient importance in the eyes either of their own Protestant countrymen, or of the British Government, to be attended to and caressed by them. The only alternative then left for the Protestants to adopt, was either to promote a union of sects in the common defence of the kingdom, or to make up their minds to fall an easy prey to the arms of France. Upon this principle of preservation, by an oblivion of all past animosities, the volunteers were embodied, and composed indiscriminately of Catholics and Protestants. But, in proportion as the danger of invasion diminished, they naturally turned their attention to the grievances, that both sects experienced at the hands of the British Government, and soon became an armed association for the attainment of political rights.²

¹ 8th Eng. Deb. p. 185, 1st April 1778.

² "In 1782, when the treasury had no supply, but was in fact bankrupt; when a French fleet appeared off Cork: when the army was only 4000 men and unprovided; it was entirely owing to the wealth of the Roman Catholics that that country was put into a posture of defence, and saved

In this appeal to arms, in open resistance to the power of Great Britain, for the purpose of compelling her to grant to Ireland the independence of her legislature, and a reform of her Parliament, the Protestants took the lead. But the contention between them and the British Government was not one of arms, because Great Britain had no troops with which to dispute with the volunteers, but one of political manœuvring. It was plain, that to whichever party the Catholics attached themselves, victory would belong. The Government, therefore, in order to secure them, passed the acts of 1778 and 1782; while the Protestants, on the other hand, endeavoured to conciliate them by public resolutions and declarations in favor of their complete emancipation. The Dungannon convention, which met in February 1782, and was composed of the representatives of 143 Protestant volunteer corps, resolved, with two dissenting voices only, "that they held the right of private judgment, in matters of religion, to be equally sacred in others as themselves; therefore, that, as Christians and Protestants, they rejoiced in the relaxation of the penal laws against their Roman Catholic fellow-subjects, and that they conceived the measure to be fraught with the happiest consequences to the union and prosperity of Ireland."

These liberal declarations on the part of this meeting, and the general tenor of the conduct of the Protestants throughout Ireland towards the Catholics, secured their cordial concurrence, and the British Government were, at length, reluctantly obliged to concede the favorite object of an independent Irish legislature.

The Protestants now proceeded to attempt to carry their other great object, a parliamentary reform; and, after the sense of the kingdom had been expressed, at various public meetings, to be decidedly in favor of it, they determined to hold a convention in Dublin, for the purpose of impressing upon Government and Parliament the necessity of acceding to their demand. In the mean time, a division of opinion had manifested itself among some of the northern corps of volunteers, on the Catholic question, and Lord Charlemont and other persons had declared themselves hostile to further concessions. This circumstance afforded the Government an easy opportunity of defeating the object of the convention; they contrived to have a motion made for connecting the emancipation of the Catholics with the question of

from the invasion of the enemy—whereas, had they been disposed to be disloyal upon that occasion, and to have made use of that power which they actually possessed, they might have completely separated Ireland from the Government of this country." *Speech of Lord Buckingham, June 23, 1808.* Lord Buckingham was at this time Lord Lieutenant: Mr. George Gould, of Cork, was the Catholic who lent his money to Government.

parliamentary reform; and upon its being rejected by the convention, knowing that its power was not to be dreaded, if unsupported by the Catholic population, they despised its threats, and, by a manly opposition to their demands, they secured their dispersion without tumult, and certainly without the regret of the advocates of such a reform in Parliament as the general circumstances of the country absolutely required.

From this period, to the year 1790, the Catholic question was not once agitated, either by the Catholics or by Parliament. In this year the Attorney-general brought in a bill to explain and amend the act of 22d Geo. III. c. 62.

The intention of this act was to give to Catholics the power of appointing guardians to their children, but it was so carelessly drawn, that, upon consulting it, in the case of the will of the late Lord Gormanstown, by which he had appointed guardians to his son, it was discovered that they were not competent to act. The present bill was therefore introduced to remedy this defect.

A circumstance, which took place this summer, shows that this act of common justice was not, in any degree, the result of an inclination, on the part of Government, to treat the Catholics with more than customary liberality. Lord Westmoreland, then Lord Lieutenant, had visited the South of Ireland; and, on his arrival at Cork, it was intimated to the Catholics there, that an expression of their loyalty would be acceptable. Accordingly an address of that nature was prepared, which, however, concluded with a *hope*, that their loyalty would entitle them to some relaxation of the penal code. Before its being formally presented, it was submitted to his Excellency, and was returned to them, to strike out the clause which expressed hope. With a feeling rather natural to men not perfectly broken down by oppression, they refused to strike it out, and declined presenting the address.

A century of pains and penalties had now elapsed, in which period the most severe and minute investigation had not been able to ascribe to the Catholics one instance of disloyalty, when they at length determined to make a vigorous exertion to obtain a restoration of their constitutional rights. In the course of the year 1790, violent resolutions had been entered into by the magistrates of the county of Armagh against them. Those of Dublin, and of the other principal cities and towns of Ireland, were in consequence roused to adopt resolutions on their part, expressive of the necessity of petitioning Parliament. These had been transmitted to the general committee of Catholics, who thereupon held a meeting to consider them, on the 11th of February, 1791. The general committee referred these resolutions to a sub-committee, who made upon them the following report :

"Your committee having, in obedience to your directions, carefully perused the resolutions of the Catholics of Ireland, report, that said resolutions contain the most unequivocal sentiments of loyalty to our most gracious Sovereign, George the Third, of love for our country, and obedience to its laws, and the most humble hope of being restored to some participation of its excellent constitution.

"That your Catholic brethren refer, with confidence, to the numberless proofs they have given of fidelity in times the most perilous, when rebellion raged in the bosom of Britain, and when foreign invasion threatened our coast, and to that alacrity with which all descriptions of our people took the oath of allegiance; and they rely that their scrupulous observance of such sacred obligation will no where be doubted, when it is considered, that if they took those oaths required by law, they would thereby become entitled to all the rights of citizens.

"That, with all humility, they confide in the justice, liberality, and wisdom of Parliament, and the benignity of our most gracious Sovereign, to relieve them from their degraded situation, and no longer to suffer them to continue like strangers in their native land; but thus have the glory of showing all Europe, that in the plenitude of power, strength, and riches of the British empire, when nothing they grant can be imputed to any motives but those of justice and toleration; that, at such a period, they deign to hear and relieve their oppressed and faithful subjects, and to unite them for ever to their country, by every tie of gratitude and interest; and that they will show to all Europe, that humble and peaceful conduct, and dutiful application, are the only true and effectual methods for good subjects to obtain relief from a wise and good government.

"That our Catholic brethren therefore desire that application may be made for such relief as the wisdom and justice of Parliament may grant; and they hope to be restored, at least, to some of the rights and privileges which have been wisely granted to others who dissent from the established church; that they may be thus enabled to promote, in conjunction with the rest of their fellow-subjects, the present and future happiness and strength of their country.

"That our said Catholic brethren direct, that such application be immediately made, and continued, in the most submissive and constitutional manner, for a mitigation of the restrictions and disqualifications under which they labor."

The general committee having agreed with and adopted this report, a petition was prepared in order to be laid before Parliament in the ensuing session.

With this petition a deputation of the general committee waited upon the chief secretary, Lord Hobart, to solicit the countenance and protection of Government, but in vain. This was not only refused them, but the Catholics of Ireland, constituting, at the lowest calculation, three-fourths of the inhabitants of the kingdom, had not even sufficient influence to induce any one member of Parliament to present it.

A second deputation having failed to obtain even an answer from Government to a renewed application for its support, it was determined to send Mr. Keogh to London, to lay before his Majesty's Ministers the state of his Catholic subjects.

Mr. Keogh, on his arrival in London, instituted a negotiation with Mr. Pitt and the Cabinet: at the close of which, the Catholics were given to understand that they might hope for four objects—grand juries, county magistrates, high sheriffs, and the bar. Admission to the right of suffrage was also mentioned, and taken under consideration.

The spirit of religious liberty having at this time made great progress among the Protestant dissenters in Ulster, the 1st Belfast volunteer company, in July, 1791, passed a resolution in favor of admitting the Catholics to a full enjoyment of the constitution; and, in October, the great Northern Association of United Irishmen¹ pledged themselves "to endeavour, by all due means, to procure a complete and radical reform of the people in Parliament, including Irishmen of every religious persuasion."

In the mean time, whilst Mr. Keogh was in London, the Irish Administration had been endeavouring to counteract the views of the Catholic body, by a negotiation with the principal nobility and gentry belonging to it; and, in some degree, their exertions were successful. For, at a meeting of the general committee, held in December, 1791, for the purpose of considering of the policy of petitioning Parliament in the ensuing session, some of the meeting wished to adopt a resolution of seeking no removal of the existing disabilities, but in such a manner and to such an extent as the wisdom of the legislature deemed expedient. This was resisted by others, and on a division upon the question of petitioning, the nobility were left in a minority of 90 to 17.

Pursuant to this decision, the following petition was drawn up, and introduced into the House of Commons, by Mr. O'Hara, on the 23d January, 1792.

We your petitioners, being appointed by sundry of his Majesty's subjects professing the Roman Catholic religion, to be agents for

¹ It was not till 1794, that a new society, under this name, embarked in an attempt to separate Great Britain and Ireland.

conducting applications to the legislature for their relief, in our own and their names, beg leave to approach this High Court of Parliament with an unfeigned respect for its wisdom and authority ; and at the same time, with a deep and heartfelt sensation of our singular and deplorable situation. And, first of all, we implore (and for this we throw ourselves on the indulgence of Parliament) that no irregularity or defect in form or language, should obstruct the success of these our most ardent supplications. The circumstances in which we stand deserve consideration. For near a hundred years, we and our fathers, and our grandfathers, have groaned under a code of laws, (in some parts already purged from the statutes), the like of which, no age, no nation, no climate ever saw. Yet, sore as it were from the scourge of active persecution, scarce yet confirmed in our minds, and but lately secure in our persons and in our houses, from the daily alarms of search-warrants and informers, we come before Parliament for the first time ; and we come to ask an alleviation of burdens, under which we can only find consolation in the melancholy comparison of former times. In this state of recent apprehension and troubled anxious hope, with minds unadapted to the precise observances of decorum, we rest upon the simple merits of our case. It is a part of our calamities, that we do not know how to tell them with propriety ; and if our complaints should deviate into remonstrance, and we should seem to upbraid, when we mean to supplicate, we trust a due allowance will be made for expressions extorted by our anguish, or proceeding from an inevitable ignorance of form. Excluded from the Constitution in all its parts, and in many respects aliens to the law, how should we have learned the forms of Parliament ?

The hardships we suffer proceed from the law. It is, therefore, only to the fountain of the law that we can look for relief. You are the great Council of our Sovereign Lord the King ; but you are also subjects like ourselves. The ear of Majesty, by the law of the land, and by the benignity of that Sovereign whom it is your glory to imitate, is ever open to the petitions of his people. As far as we are able to discern the great outlines of a constitution, which we know only in speculation, we conceive that it is the boast of the Constitution of these kingdoms, to have associated a portion of the people into the Sovereign power ; in order that, not dazzled by the awe of supreme Majesty, the subject may find a happy mediatorial institution, an asylum wherein to deposit the burden of his griefs, to expose the nakedness of his oppressions, and indulge complaint even to exaggeration. There were, indeed, those who would have made us believe, that Parliament was only to be approached with circumspect and timid steps ; at most, in

general terms ; and that, wrapped in proud and inexorable state, you would consider a specification of the wants of the people as an insult, and a reason for not supplying them. But we knew it could not be. We knew that no senate, no king, no tyrant, had ever professed to turn his ear from detailed supplication. The Majesty of God himself is willing to receive, and demands the incense of particular prayer. And shall we, who speak from man to man, from subject to subject, not dare to specify the measure and extent of our crying necessities. Despising that base and hypocritical affectation, we are sure it is far more congenial to the nature and to the temper of Parliament, with a firm and generous confidence, to say, as we say—here is the evil—there is the remedy : To you we look for relief.

Behold us then before you, three millions of the people of Ireland, subjects of the same king, inhabitants of the same land, bound together by the same social contract, contributing to the same revenues, defended by the same armies, declared, by the authentic words of an act of Parliament, to be good and loyal subjects to his Majesty, his Crown, and Government, and yet doomed to one general unqualified incapacity, and universal exclusion, an universal civil proscription. We are excluded from the state. We are excluded from the revenues. We are excluded from every distinction, every privilege, every office, every emolument, every civil trust, every corporate right. We are excluded from the navy, from the army, from the magistrature, from the professions. We are excluded from the palladium of life, liberty, and property, the juries and inquests of our country.—From what are we not excluded? We are excluded from the constitution. We stand a strange anomaly in the law ; not acknowledged, not disavowed ; not slaves, not freemen : an exception to the principles of jurisprudence ; a prodigy in the system of civil institution. We incur no small part of the penalties of a general outlawry, and a general excommunication. Disability meets us at every hour, and in every walk of life. It cramps our industry, it shackles our property, it depresses our genius, it debilitates our minds.—Why are we disfranchised, and why are we degraded ? Or rather, why do these evils afflict our country, of which we are no inconsiderable part ?

We most humbly and earnestly supplicate and implore Parliament to call this law of universal exclusion to a severe account, and now at last to demand of it, upon what principle it stands, of equity, of morality, of justice, or of policy. And, while we request this scrutiny into the law, we demand, also, the severest scrutiny into our principles, our actions, our words, and our thoughts. Wherein have we failed as loyal and affectionate subjects to the best of Sovereigns, or as sober, peaceable, and useful

members of society. Where is that people who can offer the testimony of a hundred years patient submission to a code of laws, of which no man living is now an advocate—without sedition, without murmur, without complaint. Our loyalty has undergone a century of severe persecution for the sake of our religion, and we have come out of the ordeal with our religion, and with our loyalty.

Why then are we still left under the ban of our country? We differ, it is true, from the national church, in some points of doctrinal faith. Whether it is our blessing or our misfortune, He only knows to whom all things are known. For this our religion we offer no apology. After ages of learned and critical discussion, we cannot expect to throw farther light upon it. We have only to say, that it is founded on revelation, as well as the religion established by law. Both you and we are regenerated in the same baptism, and profess our belief in the same Christ; you according to the church of England, we according to the church of Rome. We do not exercise an abject or obscure superstition. If we err, our errors have been, and still are, sanctioned by the example of many flourishing, learned, and civilised nations. We do not enter, we disdain to enter into the cavils of antiquated sophistry, and to insult the understanding of Parliament by supposing it necessary to prove that a religion is not incompatible with civil government, which has subsisted for so many hundred years under every possible form of government, in some tolerated, in some established, even to this day.

With regard to our civil principles, we are unalterably, deeply, and zealously attached to his Majesty's person and Government. Good and loyal subjects we are, and we are declared by law to be. With regard to the Constitution of the state, we are as much attached to it as it is possible for men to be attached to a constitution by which they are not avowed. With regard to the constitution of the church, we are, indeed, inviolably attached to our own: First, because we believe it to be true; and next, because, beyond belief, we know that its principles are calculated to make us, and have made us, good men and good citizens. But as we find it answers to us, individually, all the useful ends of religion, *we solemnly and conscientiously declare, that we are satisfied with the present condition of our ecclesiastical policy. With satisfaction, we acquiesce in the establishment of the national church; we neither repine at its possessions, nor envy its dignities; we are ready, upon this point, to give every assurance that is binding upon man.*

With regard to every other subject, and to every other calumny, we have no disavowals, we have no declarations to make. Con-

scious of the innocence of our lives, and the purity of our intentions, we are justified in asking, what reason of state exists, and we deny that any does exist, for leaving us still in the bondage of the law, and under the protracted restriction of penal statutes. Penalties suppose, if not crimes, at least a cause of reasonable suspicion. Criminal imputations like those (for to be adequate to the effect, they must be great indeed) are, to a generous mind, more grievous than the penalties themselves. They incontrovertibly imply, that we are considered by the legislature as standing in a doubtful light of fidelity or loyalty to the King, or to the Constitution of our country, and perhaps to both. While on these unjust suppositions we are deprived of the common rights and privileges of British and of Irish subjects, it is impossible for us to say we are contented while we endure a relentless civil proscription for which no cause is alleged, and for which no reason can be assigned.

Because we now come with a clear, open, and manly voice, to insist upon the grievances under which we still labor, it is not to be inferred that we have forgot the benignant justice of Parliament, which has relieved us from the more oppressive, but not the most extensive part of the penal system. In those days of affliction, when we lay prostrate under the iron rod, and, as it were, entranced in a gulph of persecution, it was necessary for Parliament to go the whole way, and to stretch out a saving hand to relieve us. We had not the courage to look up with hope, to know our condition, or even to conceive a remedy. It is because the former relaxations were not thrown away upon us ; it is because we begin to feel the influence of somewhat more equal laws, and to revive from our former inanition, that we now presume to stand erect before you. Conceiving that Parliament has a right to expect, as a test of our gratitude, that we should no longer lie a dead weight upon our country, but come forward in our turn to assist with our voice, our exertions, and our councils, in a work, to which the wisdom and power of Parliament is incompetent without our co-operation—the application of a policy, wholly new, to the pressing wants, and to the intimate necessities of a people long forgotten, out of the sight and out of the knowledge of a superintending legislature.—Accordingly we are come, and we claim no small merit that we have found our way to the door of Parliament. It has not been made easy for us.—Every art and industry has been exerted to obstruct us : attempts have been made to divide us into factions, to throw us into confusion. We have stood firm and united. We have received hints and cautions ; obscure intimations and public warnings to guard our supplications against intimidation. We have resisted that species of disguised and

artful threat. We have been traduced, calumniated, and libelled. We have witnessed sinister endeavours again to blow the flame of religious animosity, and awake the slumbering spirit of popular terrors and popular fury.—But we have remained unmoved. We are, indeed, accustomed to this tumid agitation and ferment in the public mind. In former times it was the constant precursor of more intense persecution, but it has also attended every later and happier return of legislative mercy. But whether it betokens us evil or good, to Parliament we come, to seek, at that shrine, a safeguard from impending danger, or a communication of new benefits.

What then do we ask of Parliament? To be thoroughly united and made one with the rest of our fellow-subjects. That, alas! would be our first, our dearest wish. But if that is denied us, if sacrifices are to be made, if by an example of rare moderation, we do not aspire to the condition of a fair equality, we are not at a loss to find, in the range of social benefits (which is nearly that of our present exclusions) an object which is, and ought to be, the scope and resting-place of our wishes and our hopes. That which, if we do not ask, we are not worthy to obtain. We knock that it may be opened unto us. We have learned by tradition from our ancestors, we have heard by fame in foreign lands, where we have been driven to seek education in youth, and bread in manhood; and, by the contemplation of our own minds, we are filled with a deep and unalterable opinion that the Irish, formed upon the model of the British Constitution, is a blessing of inestimable value; that it contributes, and is even essentially necessary for national and individual happiness. Of this Constitution we feel ourselves worthy; and though not practically, we know the benefits of its franchises. Nor can we, without a criminal dissimulation, conceal from Parliament the painful inquietude which is felt by our whole persuasion, and the dangers to which we do not cease to be exposed, by this our total and unmerited exclusion from the common rights, privileges, and franchises, conceded by our Kings for the protection of the subject. This exclusion is indeed the root of every evil. It is that which makes property insecure, and industry precarious. It pollutes the stream of justice. It is the cause of daily humiliation. It is the insurmountable barrier, the impassable line of separation which divides the nation, and which, keeping animosity alive, prevents the entire and cordial intermixture of the people. And therefore inevitably it is, that some share, some portion, some participation in the liberties and franchises of our country, becomes the primary and essential object of our ardent and common solicitation. It is a blessing for which there is no price, and can be no compensation. With it, every

evil is tolerable ; without it, no advantage is desirable. In this, as in all things, we submit ourselves to the paramount authority of Parliament ; and we shall acquiesce in what is given, as we do in what is taken away. But this is the boon we ask. We hunger and we thirst for the Constitution of our country. If it shall be deemed otherwise, and shall be determined that we are qualified perhaps for the base and lucrative tenures of professional occupation, but unworthy to perform the free and noble services of the Constitution, we submit, indeed, but we solemnly protest against that distinction for ourselves and for our children. It is no act of ours. Whatever judgment may await our merits or our failings, we cannot conclude ourselves, by recognising, for a consideration, the principle of servility and perpetual degradation.

These are the sentiments which we feel to the bottom of our hearts, and we disclose them to the free Parliament of a Monarch whose glory it is to reign over a free people.—To you we commit our supplications and our cause. We have, indeed, little to apprehend, in this benigner age, from the malignant aspersions of former times, and not more from the obsolete calumnies of former strife ; although we see them endeavouring again to collect the remnant of their exhausted venom, before they die for ever, in a last and feeble effort to traduce our religion and our principles. But as oppression is ever fertile in pretexts, we find the objections started against us more dangerous because they are new, or new at least in the novelty of a shameless avowal. They are principally three—First, it is contended that we are a people originally and fundamentally different from yourselves, and that our interests are for ever irreconcilable, because some hundred years ago our ancestors were conquered by yours. We deny the conclusion : we deny the fact. It is false.—In addressing ourselves to you, we speak to the children of our ancestors, as we also are the children of your forefathers. Nature has triumphed over law ; we are intermixed in blood ; we are blended in connexion ; we are one race ; we all are Irishmen ; subjects of the Imperial Crown of Ireland. The honor of Parliament is concerned, to repress the audacity of those who tell us that you are a foreign colony ; and, consequently, ought to govern according to the principles of invaders, and the policy of recent usurpation. At least we confide that you will not suffer the walls of Parliament to be contaminated with that libel upon the Government of Ireland. The shaft which was aimed at us has struck yourselves ; a memorable, but, at the same time, we trust, a most auspicious example, to teach both you and us, and our common posterity, that our interests are one ; and that whatever affects the well-being and honor of the Roman Catholics, is also injurious to the Protestant interest. Of the same complexion,

and tendency are the two objections, one that our advancement in property and privilege would lead to a repeal of the act of settlement; the other, that our participation in the liberties and franchises of our country, would endanger the existence of the Constitution into which we are admitted.

A resumption of the lands forfeited by our and your ancestors, (for they are the same) after the lapse of so many years, (near three returns of the longest period of legal limitation) after the dispersion and extinction of so many families; after so many transitions and divisions, repartitions and reconsolidations of property; so many sales, judgments, mortgages, and settlements; and after all the various process of voluntary and legal operation, to conceive the revival of titles dormant for 150 years, is an idea so perfectly chimerical, so contrary to the experience of all ages and all countries, so repugnant to the principles of jurisprudence, and so utterly impossible in point of fact; that the Roman Catholics of Ireland, once for all, make it their earnest request to have that question thoroughly investigated, in the assured hope, that so idle, vain, and absurd an object of public apprehension, being exposed and laid open to the eye of reason, may sleep in oblivion for ever.

As to the other subject of apprehension, we have but one answer to make. We desire to partake in the Constitution; and therefore we do not desire to destroy it. Parliament is now in possession of our case; our grievances, our sorrows, our obstructions, our solitudes, our hopes. We have told you the desire of our hearts. We do not ask to be relieved from this or that incapacity; not the abolition of this or that odious distinction; not even perhaps to be in the fulness of time, and in the accomplishment of the great comprehensive scheme of legislation, finally incorporated with you in the enjoyment of the same constitution. Even beyond that mark, we have an ultimate and if possible an object of more interior desire. We look for an union of affections; a gradual, and therefore a total obliteration of all the animosities, (on our part they are long extinct) and all the prejudices which have kept us disjoined. We come to you a great accession to the Protestant interest, with hearts and minds suitable to such an end. We do not come as jealous and suspicious rivals, to gavel the Constitution, but, with fraternal minds, to participate in the great incorporeal inheritance of freedom, to be held according to the laws and customs of the realm, and by our immediate fealty and allegiance to the King. And so may you receive us.

And we shall ever pray.

Objections having been made to this petition, upon Mr. O'Hara's presenting it, as being informal, he withdrew it; and the general committee finding that so bold and explicit a statement of their

case had given offence, prepared another petition, merely praying that the House would take into consideration, whether the removal of some of the grievances of the petitioners might not be compatible with Protestant security. This petition was presented by Mr. Egan, on the 18th of February; and on the 20th, was afterwards rejected, on a division of 200 to 23.

On the same day was also rejected a petition from the Protestant inhabitants of Belfast, which went much farther than the petition of the Catholics, as it required that they should be placed on the same footing with their Protestant fellow-subjects.

It was on the 3d January of this year, that Mr. Burke published his letter to Sir Hercules Langrishe, in which he gave that learned and liberal opinion upon the subject of the elective franchise, which, it is said, obtained the royal assent to the measure that afterwards was adopted for conceding it. This letter was admirably well adapted to meet every species of objection, moral, local, and constitutional. It was calculated to remove the prejudices of the Church of England and every sect of Protestant dissenters; and, above all, it was quite conclusive, as a demonstration of the compatibility of Catholic emancipation with the coronation oath.

At a meeting of the general committee, on the 4th February, the following resolutions were agreed to, and afterwards published, with an address to the Protestants, written by Mr. R. Burke, and corrected by his father. To this address were added the answers of the foreign Catholic universities to questions that had been put to them in 1789, at the desire of Mr. Pitt, concerning the existence and extent of the Popish dispensing power.

Resolved, That this committee has been informed that reports have been circulated, that the application of the Catholics for relief, extends to unlimited and total emancipation; and that attempts have been made, wickedly and falsely, to instil into the minds of the Protestants of this kingdom an opinion, that our applications were preferred in a tone of menace.

Resolved, That several Protestant gentlemen have expressed great satisfaction on being individually informed of the real extent and respectful manner of the applications for relief, have assured us, that nothing could have excited jealousy, or apparent opposition to us, from our Protestant countrymen, but the above-mentioned misapprehensions.

Resolved, That we therefore deem it necessary to declare, that the whole of our late applications, whether to his Majesty's Ministers, to men in power, or to private members of the legislature, as well as our intended petition, neither did, nor does contain any

thing, or extend further, either in substance or in principle, than the four following objects.

- 1st. Admission to the profession and practice of the law.
- 2d. Capacity to serve as county magistracies.
- 3d. A right to be summoned, and to serve on grand and petty juries.
- 4th. The right of voting in counties only for Protestant members of Parliament; in such a manner, however, as that a Roman Catholic freeholder should not vote, unless he either rented, and cultivated a farm of twenty pounds per annum, in addition to his forty shillings freehold; or else possessed a freehold to the amount of twenty pounds a-year.

Resolved, That, in our opinion, these applications, not extending to any other objects than the above, are moderate, and absolutely necessary for our general alleviation, and more particularly for the protection of the Catholic farmers and the peasantry of Ireland; and that they do not, in any degree, endanger either church or state, or endanger the security of the Protestant interest.

Resolved, That we never had an idea or thought so extravagant, as that of menacing or intimidating our Protestant brethren, much less the legislature; and that we disclaim the violent and turbulent intentions imputed to us in some of the public prints, and circulated in private conversation.

Resolved, That we refer to the known disposition of the Roman Catholics of this kingdom, to our dutiful behaviour, during a long series of years, and particularly to the whole tenor of our late proceedings, for the full refutation of every charge of sedition and disloyalty.

Resolved, That for the more ample and detailed exposure of all the evil reports and calumnies circulated against us, an address to our Protestant fellow-subjects, and to the public in general, be printed by the order and in the name of the general committee.

The queries and answers concerning the Popish dispensing power, are as follow:

1st. Has the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?

2d. Can the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects from their oath of allegiance, upon any pretext whatsoever?

3d. Is there any principle in the tenets of the Catholic faith,

by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?

Abstract from the Answer of the Sacred Faculty of Divinity of Paris to the above Queries.

After an introduction according to the usual forms of the university, they answer the first query by declaring :

Neither the *Pope, nor the Cardinals, nor any body of men*, nor any other person of the Church of Rome hath any *civil authority, civil power, civil jurisdiction, or civil pre-eminence* whatsoever, in any kingdom ; and consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence by divine institution inherent in, or granted, or by any other means belonging to the Pope, or the Church of Rome. This doctrine the Sacred Faculty of Divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer to the second query.—Neither the *Pope, nor the Cardinals, nor any body of men*, nor any person of the Church of Rome, can, by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

This and the first query are so intimately connected that the answer of the first immediately and naturally applies to the second, &c.

Answer to the third query.—There is no tenet in the Catholic church, by which Catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of Catholics, that *there is nothing of which those who have defended the Catholic faith against Protestants have complained more heavily than the malice and calumny of their adversaries in imputing this tenet to them, &c. &c. &c.*

Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day before the calends of March, 1789.

Signed in due form.

University of Louvain.

The Faculty of Divinity at Louvain having been requested to give her opinion upon the questions above stated, does it with readiness—but struck with astonishment that such questions should,

at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives. The Faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer the first and second queries absolutely in the negative.

The Faculty does not think it incumbent upon her, in this place to enter upon the proofs of her opinion, or to show how it is supported by passages in the Holy Scriptures, or the writings of antiquity. That has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithæuses, Argentre Widrington, and his Majesty King James the First, in his Dissertation against Bellarmine and Du Perron, and by many others, &c. &c. &c.

The Faculty then proceeds to declare, that the sovereign power of the state is in nowise (not even indirectly, as it is termed) subject to or dependent upon any other power; though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

That no man, nor any assembly of men, however eminent in dignity and power, nor even the whole body of the Catholic church though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the Sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

Proceeding to the third question, the said Faculty of Divinity (in perfect wonder that such a question should be proposed to her) most positively and unequivocally answers, that there is not, and there never has been, among the Catholics, or in the doctrines of the Church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves, in matters of religion, either in public or private concerns.

The Faculty declares the doctrine of the Catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same; and is neither shaken nor diminished, if those, with whom the engagement is made, hold erroneous opinions in matters of religion, &c. &c.

Signed in due form on the 18th of November, 1788.

